

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - Law Department - House Building Advance Repairs of Rs.20,000/- sanctioned to Sri T.K. Srinivasacharyulu, Deputy Secretary to Government (Retired), Law Department - Waiver of interest/penal interest accrued thereon - Orders - issued.

LAW (M.II) DEPARTMENT

G.O.Rt.No. 2043.

Dated:21.12.2011.
Read the following:-

- 1) G.O.Rt.No.340, Law, dated:30.09.1988
- 2) G.O.Rt.No.145, Law, dated:28.03.1990
- 3) G.O.Rt.No.118, Law, dated:25.03.1992.
- 4) From Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt., Application dated:24.02.2005, 11.12.2009.
- 5) Govt.Memo.No.1356/18/M.II/2005, dated:18.03.2005.
- 6) From the A.G., A.P., Hyd., Lr.No.Loans.II/U.III/05-06, dated: .05.2006.
- 7) From Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt., Application dated:30.06.2006.
- 8) Govt. Memo.No.1356/18/M.II/2006, dated:30.10.2006 & 16.04.2007 addressed to P.A.O., A.P., Hyderabad.
- 9) From the P.A.O., A.P., Hyderabad Lr.No.PAO/CCS/U.I/2007-08/262/812, dated:27.08.2007.
- 10) Govt. Memo.No.1356/18/M.II/06-07, dated:04.10.2007 addressed to the A.G., A.P., Hyderabad.
- 11) From the A.G., A.P., Hyderabad Lr.No.Loans.II/III/2007-08/84 dated:23.11.2007.
- 12) Govt. Memo.No.1356/18/M.II/06-07, dated:10.03.2008.
- 13) From Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt., Application dated:11.12.2010, 15.04.2010, 10.06.2010.
- 14) Govt. Memo.No.1356/18/M.II/2009, dated:05.05.2010 & 19.07.2010
- 15) From Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt., Application dated:02.08.2010 received through the O/o. the Chief Secretary, A.P., Hyderabad.
- 16) Govt. Memo.No.1356/18/M.II/2009, dated:11.01.2011.
- 17) From Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt., Application dated:09.05.2011.
- 18) Govt. Memo.No.1356/18/M.II/2005, dated:25.06.2011.
- 19) From Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt., Application dated:02.07.2011.

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O R D E R:

In the reference third read above, an amount of Rs.20,000/- was sanctioned to Sri T.K. Srinivasacharyulu, Deputy Secretary to Government (Retired), Law Department towards House Building Advance Repairs subject to fulfillment of formalities stated therein.

2. In the reference fourth read above, the said officer has submitted statement of recovery particulars towards H.B.A. of Rs.1,25,000/- sanctioned to him in the references first and second read above with a request to forward the same to the Accountant General's Office, A.P., Hyderabad for issue of Clearance Certificate. The said statement of recovery particulars was forwarded to the Office of the Accountant General, A.P., Hyderabad and he has issued Clearance Certificate towards H.B.A. of Rs.1,25,000/- drawn by the officer in the references first and second read above only vide their letter No.Loans.II/U.III/2005-06/94, dated: .05.2006. But in the said letter it has not been mentioned about the H.B.A. Repairs of Rs.20,000/- sanctioned to the officer in the reference third read above.

3. In the reference 8th read above, this department has requested the P.A.O., A.P., Hyderabad to furnish the information whether the amount of Rs.20,000/- sanctioned to Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retired), Law Department towards H.B.A. Repairs vide G.O.Rt.No.118, Law, dated:25.03.1992 was drawn by him

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and recoveries have been made if any. In the reference 9th read above, the P.A.O., A.P., Hyderabad while returning the letter along with its enclosures has requested to furnish the particulars viz. Month for which credit is missing, recovered in the pay bill for the month, Gross amount of the bill, amount recovered, PAO Voucher No. if available, Cheque No. and date, correct Head of Account in which the amount of the bill is debited and the A.G., A.P., letter showing missing credits is not enclosed.

4. When the file was referred to Finance Department they have informed that as seen from the original disposal of G.O.Ms.No.118, Law, dated:25.03.1992, the individual has submitted the estimates for repairs and requested this department to verify the signatures at p.2 of the said G.O., whether the individual has received the said copy or not and if received, how he was silent all the years for non-drawal of the said amount. They have also requested this department to examine the issue as per Miscellaneous Executive Instructions of (ii)(a) of (vi) of General Instructions under rule 16 of H.B.A. Rules, 1996. According to (ii)(a) of General Instructions in Miscellaneous Executive Instructions under rule 16 of H.B.A. Rules, the authorities competent to sanction H.B.A. should review the cases periodically in respect of H.B.A. sanctioned by them about the utilization of funds, fulfilling the formalities by the loanees, recovery of the loan amount together with interest and action to be taken in the case of defaulters etc. According to (vi) of the said instructions, whenever H.B.A. is sanctioned to any employee an entry should be recorded in the Service Register of the employee to the effect that sanction of the advance and got attested by the Head of the Office. They have also informed that no record is stated to be available either with Law Department or with the P.A.O. about the recovery particulars, therefore unless the G.O. in which the sanction was accorded, is cancelled, it cannot be construed that the individual has not been drawn the amount. The Finance (A&L) Department have also informed that unless the Drawing and Disbursing Officer of Law Department confirm whether the individual drawn and utilized the H.B.A. Repairs for an amount of Rs.20,000/- sanctioned vide G.O.Rt.No.118, Law, dated:25.03.1992 and also recovery along with interest is completed in consultation with A.G's Office, this department may not tender advise, based on the incomplete information in this case.

5. In the reference 14th read above, Government have informed to the retired officer that the H.B.A. repairs of Rs.20,000/- sanctioned vide G.O.Rt.No.118, Law, dated:25.03.1992 will be recovered in full along with interest thereof. If any evidence is found at any later date with the Government regarding recovery of the said loan the recovered amount will be returned to him.

6. In the reference 15th read above, Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retired), Law Department has stated that, he has cleared all his Government dues and submitted clearance certificate and got pension and the pensionary benefits. After his retirement he applied for reconvey of his property. At that time Government in Law Department raised that in G.O.Rt.No.118, Law, dated:25.03.1992 sanctioned an amount of Rs.20,000/- as repairs to his house. He further stated that, Government in Law Department has not taken any action to claim the amount of Rs.20,000/- as repairs to his house from Pay and Account Department and paid to him. As such there are no entries either in Law Department or in Pay and Accounts Office. It is quite evident that Law Department has not taken any action on the G.O. to claim the amount of Rs.20,000/- towards repairs to his house and requested to cancel the G.O. and reconvey his property as the matter was long pending.

7. In the reference 16th read above, the position stated in the reference 14th read above was reiterated. In the reference 17th read above, Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retired), Law Department has again requested to consider his request without mentioning any new grounds stated in the reference 15th read above.

8. In the reference 18th read above, the request of Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retired), Law Department has been rejected as per Instruction XV (3), (3-A) and Instruction XVII of Instructions issued as contained in the A.P. Government Business Rules & Secretariat Instructions.

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9. In the reference 19th read above, Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retired), Law Department has stated that, in view of rejection of his request while extracting the instruction, he made up his mind to repay Rs.20,000/- said to have been sanctioned in G.O.Rt.No.118, Law, dated:25.03.1992 as the same is coming in the way of reconveyance of his property and requested to allow him to pay the principal amount of Rs.20,000/- and to waive the interest thereon as there was no fault of him, treating it as a benefit of doubt.

10. Government after careful examination of the matter hereby waive the interest on Rs.20,000/- drawn by Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retired), Law Department towards H.B.A. Repairs in G.O.Rt.No.118, Law, dated:25.03.1992 and directed him to refund the principal amount of Rs.20,000/- drawn by him towards H.B.A. Repairs within two weeks from the date of receipt of this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. DAMODAR,
Secretary to Government,
Legal Affairs

To
The Accountant General, Andhra Pradesh, Hyderabad.
Sri T.K. Srinivasacharyulu, Dy. Secy. to Govt. (Retd.), Law Department.

Copy to: The Finance (A&L) Department.

„ The Law (Claims) Department.

„ S/f and S/c.

//Forwarded:: By Order//

SECTION OFFICER.